

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

MISSISSIPPI STATE CONFERENCE OF  
THE NATIONAL ASSOCIATION FOR  
THE ADVANCEMENT OF COLORED  
PEOPLE, ET AL.

PLAINTIFFS

V.

CIVIL ACTION NO. 3:22-CV-734-DPJ-HSO-LHS

STATE BOARD OF ELECTION  
COMMISSIONERS, ET AL.

DEFENDANTS

Before Southwick, Jordan, Ozerden

ORDER

This case is before the Court on Plaintiffs’ Motion for Expedited Trial [40] and Defendants’ Motion to Set Deadlines [37]. For reasons explained below, the Court grants Plaintiffs’ motion and denies Defendants’.

On May 19, 2023, United States Magistrate Judge F. Keith Ball entered a text-only Order directing the parties to “file a motion proposing a scheduling order (including trial date) and stating their reasons for requesting the dates in their proposed scheduling order.” May 19, 2023 Text-Only Order. On May 26, 2023, both parties filed their proposed schedules. *See* Mots. [37, 40]. Judge Ball directed the parties not to file responses; the motions are thus fully briefed.

Before filing these motions, the parties conferred under Federal Rule of Civil Procedure 26(f) and could not agree to a proposed trial schedule. *See* Pls.’ Mem. [41] at 3. Accordingly, the Court must consider the opposed proposals. Put simply, Plaintiffs favor a quicker trial schedule, and Defendants favor a longer trial schedule:

<b><u>Event</u></b>	<b><u>Plaintiffs’ Proposed Date</u></b>	<b><u>Defendants’ Proposed Date</u></b>
<b>Trial</b>	Feb. 26–Mar. 8, 2024	Dec. 9–20, 2024

<b>Pretrial Conference</b>	Jan. 25, 2024	Nov. 11, 2024
<b>Discovery Deadline</b>	Dec. 11, 2023	July 9, 2024
<b>Amendments</b>	May 26, 2023	June 30, 2023
<b>Expert Designations</b>	Plaintiffs: Aug. 28, 2023 Defendants: Oct. 16, 2023	Plaintiffs: Mar. 9, 2024 Defendants: May 9, 2024
<b>Motions</b>	Dec. 22, 2023	Aug. 9, 2024

Defendants note that Plaintiffs’ proposed schedule is a “short period of time to conduct fact discovery, expert discovery, and engage in dispositive motion practice.” Defs.’ Mot. [37] ¶ 2. Specifically, Defendants stress that 70 state legislative districts could be impacted by Plaintiffs’ requested relief: the 10 challenged districts and 60 others that share borders. *Id.* ¶ 4. Each of those districts, Defendants contend, will need to be “examined by experts and tested through discovery . . . .” *Id.* ¶ 5.

The Court acknowledges those concerns, but Plaintiffs’ arguments are more compelling. Plaintiffs say that, should they prevail, they “intend to seek a court order requiring that special elections be held in remedial districts” concurrent with the November 2024 general election.<sup>1</sup> Pls.’ Mem. [41] at 1–2. In *North Carolina v. Covington*, the Supreme Court noted that courts deciding whether to order special elections should consider “the extent of the likely disruption to the ordinary processes of governance.” 581 U.S. 486, 488 (2017). Disruption here might be lessened by holding special elections concurrent with the November 2024 general election. But that would be impossible with Defendants’ suggested trial date in December 2024. Under Defendants’ schedule, the Court might be forced to consider ordering disruptive asynchronous

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<sup>1</sup> Following the upcoming November 2023 general election, the next general election for the Mississippi state legislature is in November 2027.

special elections or forcing Plaintiffs to wait until the November 2027 general election—thereby extending unconstitutional representation (should they prevail).

IT IS, THEREFORE, ORDERED AND ADJUDGED:

1. That the deadline for amendments is now passed;
2. That Plaintiffs' deadline for designating expert witnesses will be August 28, 2023;
3. That Defendants' deadline for designating expert witnesses will be October 16, 2023;
4. That all discovery will be completed on or before December 11, 2023;
5. That dispositive motions will be filed on or before December 22, 2023;
6. The trial of this matter is set for the term beginning February 26, 2024; the pretrial conference is set for January 25, 2024.

The parties are instructed to contact the Chambers of Judge Ball within seven days of this Order to set the case for a Case Management Conference.

**SO ORDERED AND ADJUDGED** this the 23rd day of June, 2023.

s/ Daniel P. Jordan III  
CHIEF UNITED STATES DISTRICT JUDGE